

Fire Safety Code Board

Of Appeal & Review

Minutes of July 28, 2009 hearing

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, July 28, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Jackson, Richard, Preiss, Blackburn, Jasparro and Pearson. Commissioners Dias, Filippi and Walker were absent from the hearing. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #090111: Mr. Joseph Cuddigan, for the property located at 35 Agnes Street in East Providence. Capt. Oscar Almasian and Lt. James Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Blackburn made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of thirty days in which to submit plans for the correction of all outstanding deficiencies in this facility, and an additional 120 days to make those corrections. The East Providence Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts being shown by the Applicant. Alternatively, the Applicant, who is in the process of selling the facility, may choose not to make the above corrections but instead to vacate the facility at the end of the 150 day period. There being no objection from the East Providence Fire

Marshal's office, the motion was unanimous.

APPEAL #090195: Bilodeau Property Management, for the property located at 211 Waterman Street in Providence. ADSFM Richard Fournier and ADSFM Timothy Lutz appeared for the Providence Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Commissioner Pearson, to grant the following relief. The Applicant is granted a variance to maintain the open stairway and the current fire escapes in the eight-unit apartment house provided the Applicant installs sprinklers as outlined below.

The applicant is granted a time variance of thirty (30) days in which to have the deficiencies in this facility analyzed, an additional thirty (30) days in which to submit a plan for the correction of those deficiencies to the Providence Fire Marshal's office, and a further 120 days in which to make those corrections. Specifically, the applicant will sheetrock the trash chutes closed, seal the cited bathroom windows, close the opening in the bottom of the shaft and provide mechanical ventilation in the cited bathrooms. The Applicant is directed to provide sprinklers in the eight-unit apartment building within the above time period and make any other corrections deemed necessary by the Providence Fire Marshal's office. The Providence Fire Marshal's office may extend the above time lines for good faith efforts being made by the Applicant. The motion was unanimous.

APPEAL #070160: Mr. Alessio lafrate, for the property located at 17

Point Road in Portsmouth. ADSFM Philip Simmons appeared for the Portsmouth Fire Marshal's Office. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard, Jasparro and Jackson, to grant the Applicant a variance in order to be allowed to maintain the cited surface required by the Health Department if the surface is found not to comply with the fire code. The Applicant is also granted a time variance of thirty days in which to correct any outstanding deficiencies, at the direction and to the satisfaction of the Portsmouth Fire Marshal's office. The motion was unanimous.

APPEAL #070171: Mr. Douglas M. Domina, for the property located at 1348 East Main Road in Portsmouth. ADSFM Philip Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Jackson made a motion, seconded by Commissioner Pearson, to grant the Applicant a variance in order to allow him to separate the mercantile portion of this facility from the warehouse portion to the best of his ability. The Applicant is also directed to provide a domestic sprinkler head over the furnace of this facility. The above corrections are to be made at the direction and to the satisfaction of the Portsmouth Fire Marshal's office within sixty (60) days of the date of the decision. The motion was unanimous.

APPEAL #070209: Mr. Weber Wilson, for the property located at 255 Bristol Ferry Road, Portsmouth. ADSFM Philip Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Jasparro made a motion, seconded by Vice Chairman Newbrook, to grant the

Applicant a time variance of thirty days in which to submit plans to the Portsmouth Fire Marshal's office and an additional 120 days in which to make the submitted corrections, at the direction and to the satisfaction of the Portsmouth Fire Marshal's office. The Portsmouth Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts being made by the Applicant. The motion was unanimous.

APPEAL #060975: The City of Newport, for the property located at 35 King Street in Newport. ADSFM Kevin Garcia appeared for the Newport Fire Marshal's office. It was determined that the Applicant would return before the Board on September 22, 2009, with a plan of action for that facility.

APPEAL #060634: MWL Consulting Co., for the property located at 398 Thames Street in Newport. ADSFM Kevin Garcia appeared for the Newport Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Jackson and Richard, to grant the Applicant a variance, based on structural hardship, for items 3 and 6 of the deficiency report. The Applicant is granted a variance to maintain the fire alarm panel in its present configuration, with the addition of a hinge and magnetic hold down device, to the satisfaction of the Newport Fire Marshal's office. It is the understanding of the Board that all other deficiencies listed on the May 15, 2006 report have been corrected. The motion was unanimous.

APPEAL #060655: Hotel Viking, for the property located at One Bellevue Avenue in Newport. ADSFM Kevin Garcia appeared for the Newport Fire Marshal's office. Commissioner Richard made a motion, seconded by Vice Chairman Newbrook, to grant a variance based on structural hardship for items 1, 3, 6, 11 and 14 of the Fire Marshal's May 8, 2006 inspection report. The motion was unanimous.

APPEAL #090266: Action Based Enterprises, for the property located at 141 Main Street in Woonsocket. ADSFM Francis Dunton appeared for the Woonsocket Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard, Jasparro and Jackson, to grant the Applicant's requested variances, based on the limited occupancy of the facility, there being no objection from the Woonsocket Fire Marshal's office. The motion was unanimous.

Old Business: Chief of Property Management. Arn Lisnoff of the Department of Administration appeared to request that the Fire Board authorize the State Fire Marshal's office to waive its plan review fees for four (4) projects. Commissioner Preiss made a motion, seconded by Commissioner Jasparro and Newbrook, to so authorize the waiver, conditioned upon the approval of the State Fire Marshal's Office and the approval of the current Director of the Department of Administration. The motion passed with Commissioner Blackburn abstaining.

Respectfully submitted,
Carol Marsella